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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,331	07/30/2003	Amy Davidson	04003.00021	8757

7590 11/02/2004
Steven Thrasher
391 Sandhill Dr.
Richardson, TX 75080

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,331	Applicant(s) DAVIDSON ET AL. <i>ST</i>	
	Examiner Ruth C Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Chaiken (US 1,591,512).

A bracelet has at least one interchangeable adornment (Page 1, L. 1-11). The bracelet comprises a strap (6) and a container (1) having a hollow base (Figs. 1-4). The container attaches to the strap via a fastening means (5).

Chaiken also disclose that:

- The strap is worn on a body portion (Page 1, L. 1-11).
- The container is generally geometric (Figs. 1-4).
- The container is generally shaped like an object (Figs. 1-4).

3. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lederer (US 2,073,280).

A bracelet (10) has at least one interchangeable adornment (Page, 1, L. 1-15). The bracelet comprises a strap (12,13) and a container (11) having a hollow base (Figs. 1-4). The container attaches to the strap via a fastening means (17,19).

Lederer also disclose that:

- The strap is worn on a body portion (Figs. 1-3).
- The strap is a chain (Figs. 1 and 2).
- The container is generally geometric (Figs. 1-4).
- The container is generally shaped like an object (Figs. 1-4).

4. Claims 1, 2, 5, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wu (US 6,425,506 B1).

A bracelet has at least one interchangeable adornment (C. 1, L. 4-7). The bracelet comprises a strap (4) and a container having a hollow base (Figs. 1-4). The container attaches to the strap via a fastening means (2).

Wu also disclose that:

- The strap is worn on a body portion (C. 1, L. 4-7).
- The container is generally geometric (Figs. 1-4).
- The container is generally shaped like an object (Figs. 1-4).
- The object is animal-like (C. 2, L. 1-8 and Figs. 1-4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu.

Wu disclose a bracelet having all the features listed above in paragraph 4 for the rejection of claims 1 and 6. Wu fails to disclose that the strap is elastic. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the strap made of elastic since it was held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. The use of elastic material is commonly used for bracelet because it allows users with different wrist sizes to wear the bracelet without the need of adjusting the width of the strap.

The bracelet disclosed by Wu that has all the limitation listed above for the rejection of claim 6. Although Wu disclose that the container can have different shapes, Wu fails to disclose that the object is person-like. However, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have the container with a shape of a person since the applicant specifies that the container can have interesting shapes and the use of celebrity faces or person-like cartoons provides interesting shapes for different users.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smythe (US 1,539,781), Schmidt (US 1,566,976), Johnson (US 1,607,985), McCarthy et al. (US 1,609,481), Buchsbaum et al. (US 1,623,994), Roberts (US 1,861,644), Linden (US D 159,495), Thorpe (US D429,383), Thorpe et al. (US D435,939 S), and Wu (US 6,397,633 B1) are cited to show state of the art with respect to jewelry having a container.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

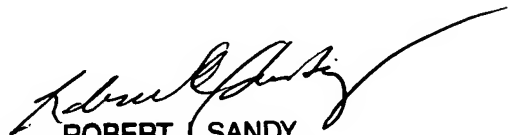
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR
rcr

November 1, 2004


ROBERT J. SANDY
PRIMARY EXAMINER